

112TH CONGRESS  
2D SESSION

# H. R. 3802

To require an abortion provider, before performing an abortion, to wait  
for a period of at least 24 hours.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2012

Mr. DUNCAN of South Carolina (for himself, Mr. WILSON of South Carolina,  
and Mr. JORDAN) introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To require an abortion provider, before performing an  
abortion, to wait for a period of at least 24 hours.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Pro-Life  
5       Waiting Period Act of 2012”.

6       **SEC. 2. WAITING PERIOD PRIOR TO PERFORMANCE OF**  
7       **ABORTION.**

8       No abortion provider engaged in interstate or foreign  
9       commerce shall perform an abortion without having—

1           (1) obtained a written certification from the  
2           pregnant woman certifying the date and time of her  
3           first in-person meeting with the abortion provider to  
4           seek the abortion; and

5           (2) waited for a period of at least 24 hours be-  
6           ginning at the time of obtaining such certification.

7   **SEC. 3. EXCEPTION FOR MEDICAL EMERGENCIES.**

8           (a) EXCEPTION.—The provisions of section 2 shall  
9           not apply if the abortion is necessary to save the life of  
10          a mother whose life is endangered by a physical disorder,  
11          physical illness, or physical injury, including a life-endan-  
12          gering physical condition caused by or arising from the  
13          pregnancy itself.

14          (b) CERTIFICATION.—

15               (1) IN GENERAL.—Upon a determination by an  
16               abortion provider under subsection (a) that an abor-  
17               tion is necessary to save the life of a mother, such  
18               provider shall certify the specific medical conditions  
19               that support such determination and include such  
20               certification in the medical file of the pregnant  
21               woman.

22               (2) FALSE STATEMENTS.—An abortion provider  
23               who willfully falsifies a certification under paragraph  
24               (1) shall be subject to all the penalties provided for  
25               under section 4 for failure to comply with this Act.

1 **SEC. 4. PENALTIES FOR FAILURE TO COMPLY.**

2 (a) CIVIL PENALTIES.—

3 (1) IN GENERAL.—The Attorney General shall  
4 assess a civil penalty against any abortion provider  
5 who violates this Act in an amount not to exceed—

6 (A) \$100,000 in the case of the first such  
7 violation; and

8 (B) \$250,000 in the case of any subse-  
9 quent such violation.

10 (2) NOTIFICATION.—Upon the assessment of a  
11 civil penalty under paragraph (1), the Attorney Gen-  
12 eral shall notify the appropriate State medical licens-  
13 ing authority.

14 (b) PRIVATE RIGHT OF ACTION.—A pregnant woman  
15 upon whom an abortion has been performed in violation  
16 of this Act, or the parent or legal guardian of such a  
17 woman if she is an unemancipated minor, may commence  
18 a civil action against the abortion provider for any willful  
19 violation of this Act for actual and punitive damages.

20 **SEC. 5. WAITING PERIODS UNDER STATE LAW.**

21 This Act does not affect the duration of any waiting  
22 period required under State law that is equal to or longer  
23 than the duration of the waiting period required by section  
24 2(2).

25 **SEC. 6. DEFINITIONS.**

26 In this Act:

1           (1) The term “abortion” means the intentional  
2       use or prescription of any instrument, medicine,  
3       drug, or other device, substance, or method to termi-  
4       nate the life of an unborn child, or to terminate the  
5       pregnancy of a woman known to be pregnant with  
6       an intention other than—

7           (A) to produce a live birth and preserve  
8       the life and health of the child after live birth;  
9       or

10          (B) to remove an ectopic pregnancy, or to  
11       remove a dead unborn child who died as the re-  
12       sult of a spontaneous abortion, accidental trau-  
13       ma, or a criminal assault on the pregnant fe-  
14       male or her unborn child.

15          (2) The term “abortion provider” means any  
16       individual or entity that performs an abortion.

17          (3) The term “unemancipated minor” means a  
18       minor who is subject to the control, authority, and  
19       supervision of his or her parents or guardians, as  
20       determined under State law.

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